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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IT IS HEREBY STIPULATED AND AGREED, by and between the parties acting through their respective counsel, that:

1. The Court may make its own motion for a modification of the defendant's sentence pursuant to 18 U.S.C. § 3582(c)(2).
2. Defendant's original guideline calculation was as follows:

Total Offense Level: 23

Criminal History Category: **W**

Guideline Range: 84-105

Mandatory Minimum: 60 months

3. Defendant was sentenced to 72 months imprisonment on June 13, 2007. This represents a downward variance of one year from the low end of the guideline range.
4. Defendant's current projected release date is November 15, 2010.

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1 5. Defendant is eligible for a modification of his sentence pursuant to 18 U.S.C. §
2 3582(c), USSG § 1B1.10(c), and Amendment 706 of the United States Sentencing Commission
3 Guidelines Manual.
4

5 6. Defendant's revised guideline calculation is as follows:
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7 Total Offense Level: 21
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9 Criminal History Category: V
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11 Guideline Range: 70-87
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13 7. The parties have no reason to dispute the Reduction of Sentence Report submitted to the
14 Court by the probation office.
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16 8. Based upon the foregoing, the parties hereby stipulate that a sentence of **60 months** is
17 appropriate in this matter.
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19 9. The parties further stipulate that all other aspects of the original judgment order including
20 the length of term of supervised release, all conditions of supervision, fines, restitution,
21 and special assessment remain as previously imposed.
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23 10. Defendant stipulates that he waives and does not request a hearing in this matter pursuant
24 to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220
25 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007); *United States v. Hicks*, 472
26 F.3d 1167 (9th Cir. 2007).
27

28 11. Defendant waives his right to appeal the district court's sentence.
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30 12. Accordingly, the parties agree and stipulate that an amended judgment may be entered by
31 the Court in accordance with this stipulation pursuant to 18 U.S.C. § 3582(c) and USSG §
32 1B1.10(c), Amendment 706 of the *United States Sentencing Commission Guidelines*
33 *Manual*.
34

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36 STIPULATION AND [PROPOSED] ORDER FOR REDUCTION OF DEFENDANT'S SENTENCE

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2 IT IS SO STIPULATED:
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5 Date: 7/21/2008

/s/ Anthony J. Brass
6 ANTHONY J. BRASS
7 Attorney for Rodney Shavers

8 Date: 7/21/2008

/s/ Blake Stamm
9 BLAKE D. STAMM
10 Assistant United States Attorney

ORDER

Based on the above stipulation, the Court hereby ORDERS the following:

1. The Court is making its own motion for a modification of the defendant's sentence pursuant to 18 U.S.C. § 3582(c)(2);
2. **The original Judgment in the above-captioned case is AMENDED to impose a term of imprisonment of 60 months.** All other aspects of the original judgment, including the length of term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.
3. Defendant's original guideline calculation was as follows:

Total Offense Level: 23

Criminal History Category: V

Guideline Range: 84-105

Mandatory Minimum: 60 months

Sentence Imposed: 72 months

4. Defendant is eligible for a modification of his sentence pursuant to 18 U.S.C. § 3582(c), USSG § 1B1.10(c), and Amendment 706 of the United States Sentencing Commission Guidelines Manual:

5. Defendant's revised guideline calculation is as follows:

Total Offense Level: 21

Criminal History Category: V

Guideline Range: 70-87

6. Defendant has waived his right to a hearing in this matter pursuant to Fed. R. Crim. P. 43,

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1 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220 (2005) and *Kimbrough v.*
2 *United States*, 128 S.Ct. 558 (2007); *United States v. Hicks*, 472 F.3d 1167 (9th Cir.
3 2007).

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5 7. Defendant has waived his right to appeal the sentenced imposed by this Order.

6 IT IS SO ORDERED.

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8 Date: July 25, 2008

9 
10 HON. MAXINE M. CHESNEY
11 UNITED STATES DISTRICT COURT

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STIPULATION AND [PROPOSED] ORDER FOR REDUCTION OF DEFENDANT'S SENTENCE